

REMARKS

Initially, Applicant would like to thank Examiner Ayers for granting an interview and for his time spent during the interview.

The application is amended consistent with the discussion during the interview in a manner that is believed to place it in condition for allowance.

Status of Claims

Claims 21-33 were previously pending in the application. Claims 26 and 27 are cancelled, leaving claims 21-25 and 28-33 for consideration.

Claim Rejection Under 35 U.S.C. § 112

Claims 21-33 are rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

The Office Action asserts that the phrase "and/or" is indefinite since it is unclear as to what is being claimed. This phrase is removed in order to avoid any ambiguity. Therefore, it is respectfully submitted that the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claim Rejection Under 35 U.S.C. § 102

Claims 21-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,804,122 to Baum. That rejection is respectfully traversed.

As pointed out during the interview, claim 27 requires that the leg member is supported by the foldable side of the container.

Baum shows, in Fig. 3, that side 16 that includes a hinge 28 does not support any leg member. Rather, as pointed out at the interview, leg member 48 is supported by side 18 at pivot 44 and leg 30 is supported by side 14 at 45 (see Figure 5 and column 2, lines 7-12).

In order to clarify this feature, it was agreed during the interview that amending claim 21 to recite that "the foldable leg member is connected to said one of the container sides" is sufficient to overcome Baum. That is, claim 21 previously recites that "one of said container sides" is outwardly and downwardly pivotal and thus, the present amendment clarifies that the leg is connected to the pivotal side of the container.

Based on this amendment, claims 26 and 27 are canceled for consistency with claim 21.

Since the remaining claims depend from claim 21 these claims are believed to be patentable based on their dependence.

Entry of the above amendments is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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